

Appl. No. 10/662,494
Amdt. dated October 24, 2005
Reply to Office Action of May 24, 2005

REMARKS

Applicants have carefully reviewed the Office Action mailed May 24, 2005. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1 and 8 have been amended to more particularly describe the invention by reciting that the communication control unit does not transmit the request signal until power required for driving the electric actuator is obtained by the power generation mechanism. Support for this limitation may be found, for example, at page 4, lines 27-33 and page 7, lines 8-25 of the instant specification, as well as within Figures 2 and 3. New claims 14 and 15 have been added to round out the potential scope of protection. Support for new claims 14 and 15 may be found, for example, at page 7, lines 8-25 of the instant specification, as well as in Figure 3. No new matter has been added.

Applicants respectfully traverse the Examiner's rejection of claims 1-3, 6-9 and 12-13 under 35 U.S.C. §103(a) as unpatentable over Linde et al., U.S. Patent No. 5,497,641, in view of Vogele, U.S. Patent No. 6,181,254. One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed element. At a minimum, this requirement has not been met, at least with respect to the claims as presently amended.

The independent claims (and hence the claims depending therefrom) have been amended to recite that the communication control unit is capable of wirelessly transmitting a request signal when the battery has enough power to drive the electric actuator. The portable device wirelessly transmits the ID signal upon receipt of the request signal. When the voltage of the battery is below the level needed to drive the electric actuator, the communication control unit does not transmit the request signal until power required for driving the electric actuator is obtained by the power generation mechanism. Therefore, when the voltage of the battery is below the level needed to drive the electric actuator, the portable device does not transmit the ID signal and comparison of the ID codes is not performed as long as power required for driving the electric actuator is not obtained by the power generation mechanism.

Linde et al. disclose a portable device (portable key) wirelessly transmitting an ID signal. However, Linde et al. fail to disclose or teach that the communication control unit is capable of wirelessly transmitting a request signal when the battery has enough power to drive the electric

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actuator and that the portable device wirelessly transmits the ID signal upon receipt of the request signal. Linde et al. also fail to disclose or teach that, when the voltage of the battery is below the level needed to drive the electric actuator, the communication control unit does not transmit the request signal until power required for driving the electric actuator is obtained by the power generation mechanism. These are claimed limitations not shown by Linde et al.

The Examiner relies upon Vogeles to disclose elements not shown by Linde et al. Vogeles discloses a remote keyless entry system as the Examiner states. However, Vogeles does not describe or suggest a communication control unit capable of transmitting a request signal when the battery has sufficient power to drive the electric actuator yet, when battery power is inadequate, does not transmit the request signal until the power generation mechanism has generated sufficient power.

Therefore, Vogeles does not provide the elements missing from Linde et al. As a result, the *prima facie* obviousness rejection is flawed and should be withdrawn. Applicants do not concede the appropriateness of the rejection with respect to the other requirements of a *prima facie* obviousness rejection, i.e., motivation to combine and expectation of success. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 4-5 and 10-11 under 35 U.S.C. §103(a) as unpatentable over Linde et al., U.S. Patent No. 5,497,641, in view of Vogeles, U.S. Patent No. 6,181,254, and further in view of Yamazake et al., U.S. Patent No. 5,899,828. Linde et al. and Vogeles are distinguished above as failing to teach the limitations of the independent claims from which claims 4-5 and 10-11 depend.

The Examiner relies upon Yamazake et al. to suggest storing generated power within a battery. However, Yamazake et al. fail to remedy the noted shortcomings of Linde et al. and Vogeles, and thus the cited combination of the three references similarly fails to teach the claimed invention.

Moreover, it is noted that Yamazake et al. are directed to the field of regenerative braking in gasoline-electric hybrid automobiles. In contrast, the claimed invention is directed to a door opening and closing apparatus, which is a substantially different field of endeavor. Thus, Applicants do not concede the correctness or appropriateness of combining Yamazake et al. with Linde et al. and Vogeles, despite all three references having to do with automobiles. Favorable reconsideration is respectfully requested.

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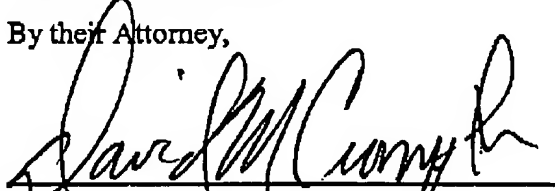
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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